

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NADGIA DIXON, individually
and on behalf of all other persons
similarly situated who were employed
by NBCUniversal Media LLC with
one of its affiliated cable tv stations,

Plaintiffs,

v.

NBCUNIVERSAL MEDIA LLC and
OXYGEN MEDIA LLC,

Defendants.

12 Civ. 7646 (PAE)

ECF Case

**REPLY DECLARATION OF CHELLEY E. TALBERT IN FURTHER
SUPPORT OF DEFENDANTS' MOTION TO COMPEL ARBITRATION
AND DISMISS THE COMPLAINT OR, IN THE ALTERNATIVE,
TO COMPEL ARBITRATION AND STAY PROCEEDINGS**

CHELLEY E. TALBERT, an attorney admitted to practice before this Court, hereby
deposes and states under penalty of perjury, that:

1. I am an attorney duly admitted to practice law in the Southern District of New York. I am Senior Litigation Counsel for NBCUniversal Media LLC ("NBCUniversal Media") and am appearing on behalf of Defendants Oxygen Media LLC ("Oxygen") and NBCUniversal Media (collectively "NBCUniversal" or "Company") in the above-captioned matter.

2. The information in this reply declaration is based on my review of NBCUniversal corporate records and databases, including those containing employee information and personnel files, which are maintained in the regular course of business and are available to me as part of my regular duties with NBCUniversal.

3. NBCUniversal records reflect that: In April 2009 through to today, the corporate entities referred to as Universal Parks and Resorts and Universal Orlando have been wholly owned, indirect subsidiaries of NBCUniversal Media, LLC.

4. The NBC Universal Employee Handbook contains employment policies applicable to employees of NBCUniversal, including employees of subsidiaries of NBCUniversal unless exempted by the language of the Handbook or by law. The Handbook does not individually identify each NBCUniversal subsidiary to which it is applicable but rather states generally that is it “[a]pplicable to NBCUniversal U.S.-based Employees.”

5. In November 2011, NBCUniversal announced that it was implementing changes to the existing *Solutions* ADR program. Those changes were made in response to federal legislation concerning the content of employee alternative dispute resolution programs. NBCUniversal notified employees by email dated November 2, 2011 of these changes and that *Solutions* would continue to be applicable to all employees that had been covered previously by the program. The November 2, 2011 email attached a brief description of and explanation for the changes and a link to the revised *Solutions* policy manual. As with the previous version of the *Solutions* program, and as reflected in the revised policy manual, NBCUniversal subsidiaries Universal Parks and Resorts and Universal Orlando were not covered by *Solutions*. No other NBCUniversal subsidiary was exempted from the revised *Solutions* agreement.

6. Attached as Exhibit A is a true and correct copy of a November 2, 2011 email addressed to NBCUniversal Employee Communications regarding the “*Solutions Update*,” which was located within Plaintiff Dixon’s corporate email folder on the NBCUniversal server.

7. Attached as Exhibit B is a true and correct copy of a document entitled “SOLUTIONS PROCEDURE CHANGES,” which was electronically linked to the November 2,

2011 email attached hereto as Exhibit A and which explains the revisions made to the *Solutions* program in 2011.

8. Attached as Exhibit C is a true and correct copy of the revised *Solutions* ADR manual, dated January 28, 2011, which was electronically linked to the November 2, 2011 email attached hereto as Exhibit A.

9. Attached as Exhibit D is a true and correct copy of an email dated May 11, 2009 from Christina Guzzo, Oxygen's Human Resources Coordinator at the time, to multiple email recipients, including "NBC UNI Oxygen All." The email was located within Plaintiff Dixon's corporate email folder on the NBCUniversal server.

10. Attached as Exhibit E is a true and correct copy of an email dated May 13, 2009 from Christina Guzzo to multiple email recipients, including "NBC UNI Oxygen All." The email was located within Plaintiff Dixon's corporate email folder on the NBCUniversal server.

Dated: April 8, 2013
New York, New York

Respectfully submitted,

By: s/Chelley E. Talbert
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*Attorneys for Defendants NBCUniversal
Media LLC and Oxygen Media LLC*